

Guernsey. (R. S.)

Legal Bibliography.

THE CATALOGUE OF THE LIBRARY

OF THE

NEW YORK LAW INSTITUTE.

BY

R. S. GUERNSEY.*



The publication of this catalogue, and its manner and form, must be gratefully received by all persons interested in the literature of the law, either as professional practitioners, or writers on law, or students. In fact, all lawyers must be continual students in their profession; it is their province to be well informed as to the best and latest productions in every department of this science. The press teems with new works, and with new editions of old works, all of which should be familiarly known to the practising lawyer, particularly those relating to his branch of the profession. This knowledge of books is not difficult of attainment, or onerous as to expense or time. The science of bibliography is to be carefully distinguished from bibliomania; the one being discriminate, meritorious and practical, and the other morbid, vain, omnivorous, and no less ruinous to the mind than to the purse, seeking to possess works which are curious and rare, and generally unpractical, and seldom knowing the contents of more practical books, because they are numerous, and may be readily obtained. Every lawyer should be a bibliographer in jurisprudence, though he may not have the means or inclination to obtain an extensive library, for in these days of public and club libraries, the knowledge of law books and of kindred sciences, their clas-

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sification, &c., may be obtained without the actual owning of a single volume and at a trifling expense.

Although a catalogue containing full titles and the edition and the time and place of publication cannot, strictly speaking, be called a bibliography, yet, when it is classified by subjects or systems, it becomes a bibliography, only lacking a critical discussion of the merits of the particular author or book. In no branch of literature does a mere catalogue, classified by subjects, become so near a bibliography as in that of jurisprudence; more than half of them in the English language are of reported judicial decisions, and nearly all the commentaries are founded upon decisions and upon statutes. When a case is cited from a report it can easily be ascertained whether it was a high or a low court, and the time when it was rendered, and whether it was reversed on appeal or has been overruled in another case, and whether a statute has been passed relating to the same subject.

In no science is it so necessary to know of that which was written in former times and at different periods as in the law—the very foundation of which is built and stands upon that which has gone before. A comprehensive work of this kind undoubtedly would have a marked influence on the future study, writing and knowledge of all laws in the English language.

Dr. Johnson truly said:

“By means of catalogues only can it be known what has
“been written in every part of learning, and the hazard avoided
“of encountering difficulties which have been already cleared,
“discussing questions which have been already decided, and
“digging in mines of literature which former years have ex-
“hausted.”

A man that can make a great dictionary of a language can properly appreciate the utility of catalogues.

By giving the latest edition of a work, it can be seen at almost a glance how useful the work may be, without regard to the time it was originally written, as all the new editions of the old authors contain notes of alterations, adjudication, &c. When old ones are obsolete, by reason of better authors or by reason of change of law, new ones immediately step in, and thus

the web of the law is continually being spun from year to year and century to century, until traced back to the time "when the memory of man runneth not to the contrary" and it was regarded as established law by mere custom.

Notwithstanding the utility and almost the necessity of a comprehensive bibliography of law books, the English and American law literature has shown a marked absence of works of that nature, more so at present than in former times.

The first one ever published relating to English jurisprudence was by a London book-seller, Thomas Bassett, in 1671, entitled "Catalogue of Common and Statute Law Books of this "Realm," 8vo. A new edition of it was published in 1694, and again in 1720.

The second work was by John Worrall, in 1736, entitled "Bibliotheca Topographica Anglicana, London." Part II: "Bibliotheca Legum: or a List of all the Common and Statute "Law Books of this Realm to 1749," continued to 1765, 1768, 1777, 1782.

In 1788 a new edition was published, entitled "Bibliotheca "Legum Anglica, Part I." Part II was by Edward Brooke, and contained "A General Account of the Laws and Law Writers "of England, from the earliest times to the reign of Edward "III," 1788; a supplement was published in 1792.

The third work was in 1807, by R. W. Bridgman, entitled "A Short view of Legal Bibliography, containing some Critical "Observations on the Authority of the Reporters and other "Law Writers," &c. This can scarcely be called a legal bibliography, but is more of the nature of Warren's Law Studies.

The fourth work was in 1810, by John Clarke, a London book-seller, entitled "Bibliotheca Legum or Complete Catalogue of the Common and Statute Law Books of the United "Kingdom;" new edition 1819. This was classified under a few subjects only, and contained a valuable table of abbreviations used relating to law books.

This is the last general work of the kind ever published in Great Britain. In 1866 Mr. Ralph Thomas, a lawyer in London, undertook to obtain a subscription for the publication of a work entitled "Biographical and Bibliographical Dictionary "of Writers upon English Jurisprudence, with Critical Re-

“marks on their Works.” This was abandoned, however, for want of sufficient encouragement; library catalogues, and those of law book-sellers seeming to be sufficient for all practical purposes.

Various useful works have been published from time to time relating to special subjects and to a course of law studies, but they are not within the province of the subject under consideration.

It may be said here, in passing from England to the United States, on this subject, that all the libraries in Great Britain are remarkably deficient in American law books, even the State reports of the highest Courts in any of the United States cannot be found complete in any of the law libraries in Europe, and the same may be said regarding the statutes of the different States.

In 1819 was published, in Baltimore, David Hoffman's “Course of Legal Study.” A new edition of it was issued in 1836. This is the most valuable and comprehensive work ever published upon the subject to which it relates, but it does not profess to be a complete bibliography, but to show the sources and means of obtaining a comprehensive knowledge of every branch of the law, and the best books where the same may be found.

The first bibliographical work, strictly speaking, ever published in America relating to law books was in 1843, and is entitled “The Reporters—Chronologically Arranged, with “Occasional Remarks upon their Respective Merits,” by John W. Wallace; second edition in 1845; third, 1855. This is supposed to comprise a descriptive list of all the reports and reporters in Great Britain and her colonies and dependencies and in the United States.

In 1847 was published in the United States the most complete and comprehensive work of the kind ever attempted in the English language, entitled “Legal Bibliography, or a Thesaurus “of American, English, Irish and Scotch Law Books, together “with some Continental Treatises, interspersed with Critical “Observations upon their Various Editions and Authority,” by J. G. Marvin, counselor-at-law. The arrangement was by authors' names and the index was by numerous subjects properly

divided, under each of which was only the author's name. The reporters were arranged only in the same manner, without stating the country, State or Court, excepting under the individual reporter's name. Both of these were a serious detriment to the usefulness of the book. It professed to contain all the titles of all law books, but more than five hundred titles in Great Britain and the United States were omitted. It contained a copious list of abbreviations used relating to law books. No other works of this nature have ever been published in the United States. The only guide that lawyers have in regard to books which have since been published are the catalogues of libraries, and they are frequently sought for as a library manual. The best and most comprehensive one, up to 1865, is that of the State Library at Albany. The Catalogue of the Library of Congress, published in 1869, is only classified by subjects, and the reports and statutes are chronologically arranged, but there is no index of authors' names, and the latter library has not so large a collection as the former.

It would seem that a catalogue of all law books in the English language, chronologically arranged by editions and full titles under subjects, with an index by authors' names, after the manner of continental treatises on legal bibliography, where the latter science has been carried to perfection, should be eagerly sought for both in this country and in England. Such a work would now contain nearly twice the number of titles in Marvin's book, before mentioned, and would occupy about fifteen hundred pages. No publisher in Europe or America will undertake to publish so extensive a work and rely upon the sales for their reimbursement, although the compiler would ask nothing for his manuscript. Therefore, lawyers must still be content to resort to library catalogues only for their knowledge of what books have been published on a special subject.

We now have in a library catalogue a combination of a law library manual. The Law Institute of New York City has issued one which is the most complete and comprehensive, as well as the most useful work of the kind ever published. It contains:

1. Alphabetical Catalogue of Authors, Compilers, &c., with date

of issue, the edition, number of volumes, form and place of publication of the work.

2. Chronological Lists of the Reports of the United States Courts, with lists of Digests and Compilations of the United States Laws and Decisions.
3. Chronological Lists of State Reports, and lists of recent editions of the Revised Statutes, Digests of Reports and Codes of the various States.
4. Chronological Lists of the English, Irish, Scottish, Canadian and Indian Reports, Digests, Codes and Compilations. These lists embrace not only the reports which are included in what are usually known as the Regular Series of Reports, but also the volumes that, by reason of their scarcity and price, are rarely possessed by either private or public libraries.
5. Lists of Collections of the British Statutes; Parliamentary Documents and Reports of Debates; Collections of Digests of English Decisions; Collections of Cases, American and British; Collections of American and British Leading Cases; Collections of American Trials; Collections of British Trials; Collections of Miscellaneous, American, British and Foreign Trials.
6. Table of British Regnal Years—Explanatory Notes as to the British Law Terms, the Law Reports, Classification of English Statutes, &c.
7. The title, number of volumes, size, place and period of publication of the various American and British law periodicals whose publication ceased prior to the year 1873; the title, number of volumes, size, place, term and period of publication of the American and British law periodicals in existence during the year 1873.
8. Tables exhibiting the corresponding volumes of the original English Reports to those in the American reprints, known as the English Common Law Reports, English Chancery Reports, &c.
9. Seventy pages of abbreviations used in references to American and British Law Reports and in Roman Law Citations, and

an Index to Subjects of very nearly two hundred octavo pages, in which are grouped, under the various titles and sub-titles of the law, the Treatises, Digests of Decisions, Collections of Cases, Law Periodicals, Trials, Reports of Cases, &c., relating to the same, with the classification as to authors into American, British and Continental, and the designation, by means of italics, of the name of the author, compiler, &c., whose work, or its most recent edition, has been issued during or since the year 1869.

The usefulness of these abbreviations will appear. When a case is cited they will show the report by Court, State and country, and by referring to the chronological table of reports it can be seen at a glance at what period the decision was rendered.

In regard to the table of reports, it is complete, containing many not found in Wallace's Reporters, which were published in Great Britain and the United States previous to the various editions of that work; also the most recent editions of all statutes, codes and digests in Great Britain and the United States.

The Library of Congress at Washington and the State Library at Albany do not contain a complete set of some of the reports or of the statutes and digests.

This library of the Law Institute is undoubtedly used by practical lawyers more than any other library in the world, and the selection of books, as well as the arrangement of the catalogue, has been such as the wants and needs of the profession have demanded in order to be of the greatest utility to its numerous patrons. Such a work as this has only to be known in order to render it in great demand by the profession generally, both in Europe and America.*

* The following letter from Mr. Charles O'Connor, President of the New York Law Institute, has been received :

" FORT WASHINGTON,

" March 28th, 1874.

" R. S. GUERNSEY, Esq.:

" MY DEAR SIR,—I thank you for the article on our Catalogue. It is very just and highly creditable to its author.

" Yours truly,

" CHAS. O'CONNOR."

